

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KURT SHAWN HANIEPH,

Petitioner,

v.

HELEN J. MARBERRY, WARDEN,

Respondent.

Civil Action No. 07-231 Erie

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on August 30, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 15], filed on March 2, 2010, recommended that Petitioner's Petition be dismissed for lack of subject matter jurisdiction. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondent. Petitioner filed objections on March 18, 2010 [Doc. No. 16]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 22<sup>nd</sup> day of March, 2010;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DISMISSED for lack of subject matter jurisdiction.

The Report and Recommendation [Doc. No. 15] of Magistrate Judge Baxter, filed on March 2, 2010, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge